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IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEVADA

Cung Le, Nathan Quarry, Jon Fitch, Brandon Vera,
 Luis Javier Vazquez, and Kyle Kingsbury, on
 behalf of themselves and all others similarly
 situated,

Plaintiffs,

v.

Zuffa, LLC, d/b/a Ultimate Fighting
 Championship and UFC,

Defendant.

Case No.: 2:15-cv-01045-RFB-BNW

**JOINT MOTION FOR THE
 SCHEDULING OF A STATUS
 CONFERENCE AND FOR THE
 ENTRY OF THE PARTIES'
 [PROPOSED] JOINT PRE-TRIAL
 SCHEDULE**

1 In recognition of the Court's comments at the August 19, 2024 Status Conference that the
 2 parties should continue to prepare this case for trial commencing on February 3, 2025, unless and
 3 until this Court preliminarily approves a proposed agreed-upon settlement of this case,¹
 4 Plaintiffs Cung Le, Nathan Quarry, Jon Fitch, Brandon Vera, Luis Javier Vazquez, and Kyle
 5 Kingsbury ("Plaintiffs"), together with Defendant Zuffa, LLC respectfully request that the Court:
 6 (1) schedule a status conference in this matter at the Court's convenience; and (2) enter the
 7 [PROPOSED] Joint Pre-Trial Schedule, attached hereto as Exhibit A.

8 **BACKGROUND**

9 At the March 4, 2024 Status Conference the Court identified various issues related to the
 10 then upcoming trial that required resolution at future hearings, including an evidentiary hearing
 11 concerning any open issues relating to the proposed expert testimony of Plaintiffs' expert Guy
 12 Davis and Defendant's expert Richard Marks. *See* 03/04/24 Tr. at 170:25-171:4.

13 On March 20, 2024, after the parties informed the Court that they had agreed to a
 14 proposed settlement, the Court entered a Minute Order vacating and holding all deadlines in this
 15 case -- including the trial then-scheduled to commence on April 15, 2024 and all related pretrial
 16 deadlines -- in abeyance for 50 days. Dkt. 986, 1013.

17 On July 30, 2024, this Court issued a Minute Order in which the Court (i) denied
 18 preliminary approval of the parties' proposed settlement; (ii) set a tentative trial date of October
 19 28, 2024; and (iii) scheduled a status conference for August 19, 2024. Dkt. 1038.

20 At the August 19, 2024 Status Conference, after the Court stated that it would reschedule
 21 the commencement of trial to February 3, 2025, Plaintiffs raised several issues which the Court
 22 discussed at the March 4, 2024 Status Conference, including the need to (i) establish deadlines
 23 and hearing dates to resolve various issues in anticipation of the upcoming trial; and (ii) schedule
 24 an in-person or Zoom hearing at which the Defendant's expert Mr. Marks and Plaintiffs' expert
 25 Mr. Davis could appear to address any open challenges to their anticipated trial testimony. *See*

26
 27 ¹ As the parties informed the Court on September 26, 2024, they have agreed on a new proposed
 28 settlement of the *Le* case only and that Plaintiffs intend to submit their motion for preliminary
 approval of that settlement by October 10, 2024, if not earlier.

8/19/24 Tr. at 32:9-19. The Court then directed the parties to meet and confer and to propose dates for an evidentiary hearing regarding Messrs. Marks and Davis. *Id.* at 34:6-15.

Plaintiffs had initiated a meet and confer process regarding the outstanding pretrial issues on August 12, 2024, and over the past two weeks, the parties met and conferred and agreed to the proposed pretrial schedule. *See* Exhibit A.

I. The Parties Request That the Court Set a Status Conference to Address Outstanding Trial Issues

The parties respectfully request that the Court schedule a status conference at its earliest convenience to (i) schedule additional status conferences or hearings as necessary; (ii) address and resolve disputes regarding admissibility of proposed trial exhibits (including, but not limited to the various disputes concerning video clips); (iii) address and resolve outstanding MILs; (iv) address and resolve objections to deposition designations; and (v) finalize pretrial and pre-deliberation jury instructions.

II. The Court Should Enter the Parties' [PROPOSED] Joint Pre-Trial Schedule, Which Includes Dates for an Evidentiary Hearing on Outstanding Expert Issues

At the August 19, 2024 Status Conference, the Court directed the parties (i) to hold any necessary trial related hearings in the Fall of 2024; and (ii) to propose dates for an evidentiary hearing regarding Marks and Davis. *See* 8/19/24 Tr. at 33:12-34:15.

Following extensive meet and confers, the parties negotiated a [PROPOSED] Joint Pre-Trial Schedule (attached here to as Exhibit A) which establishes an orderly succession of the remaining pretrial deadlines, beginning on October 11, 2024. The parties include in their [PROPOSED] Joint Pre-Trial Schedule a proposal to schedule a hearing concerning the scope of Mr. Marks' testimony on December 16 or 17, 2024.² Therefore, the parties respectfully request

² The parties met and conferred regarding the scope of Mr. Davis' testimony in a series of letters beginning on August 12, 2024. On September 17, 2024, Zuffa accepted Plaintiffs' proposal to limit the scope of Plaintiffs' expert Mr. Davis' testimony. Accordingly, the parties have resolved their dispute concerning Mr. Davis' testimony and, therefore, believe that there is no need for an evidentiary hearing concerning Mr. Davis' testimony.

that the Court enter the [PROPOSED] Joint Pre-Trial Schedule, subject to any modifications the Court sees fit.

WHEREFORE, the parties respectfully request that the Court grant the parties' Joint Motion for the Scheduling of a Status Conference and for Entry of a [PROPOSED] Joint Pre-Trial Schedule.

Dated: October 1, 2024

Respectfully submitted,

By: /s/ Michael Dell'Angelo

By: /s/ Christopher S. Yates

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Plaintiffs' Motion for the Scheduling of a Status Conference and for the Entry of the Parties [Proposed] Joint Pre-Trial Schedule was served on October 1, 2024, via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

/s/ Michael Dell'Angelo
Michael Dell'Angelo